

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES H. FISHER,

Plaintiff,

No. CIV S-96-1850 DFL EFB P

vs.

JAMES GOMEZ, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner prosecuting this civil rights action without counsel. *See* 42 U.S.C. § 1983. Pursuant to the order filed May 31, 2006, trial in this action is set for November 6, 2006. On September 28, 2006, defendants filed a motion to dismiss based on plaintiff's alleged failure to exhaust available administrative remedies. Time for plaintiff to respond to that motion has not expired. In the meantime, defendants move to vacate the impending trial date because the motion to dismiss is pending. .

Good cause appearing, the trial date is vacated. *See* Fed. R. Civ. P. 16(b).

So ordered.

Dated: October 12, 2006.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE